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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,434

03/31/2004

Hiroshi Torihara

829-622

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7590

06/14/2006

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/813,434

Applicant(s)

TORIHARA, HIROSHI

Examiner

Hargobind S. Sawhney

Art Unit

2875

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on: _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


ALI ALAVI
PRIMARY EXAMINER

Continuation Sheet:

The Request for Reconsideration, including amended claims, filed on May 15, 2006 in response to the final rejection has been considered but is not deemed to place the application in condition for allowance.

The new issues, as highlighted below, are included in amended claims, which would require further consideration and/or search.

Amended Claim 1, line 13, "wherein the light incident surface is substantially vertical";

Response to Amendment

Applicant's arguments filed on May 15, 2006 with respect to 103(a) rejections of claim 1 have been fully considered but they are not persuasive.

Argument: Fukuoka (Japanese Patent No. JP 8320486) does not teach or suggest that the light incident surface of the optical conductor is substantially vertical as required by the amended claim 1.

Response: In the Final Rejection, Claims 1- 7, 16-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torihara et al. (Japanese Application Pub. 2000-235805 A) in view of Fukuoka (Japanese Patent No. JP 8320486), hereinafter referred as Fukuoka

Regarding claim 1, Torihara et al. (Japanese Application Pub. 2000-235805 A), hereinafter referred as Torihara, discloses an illumination device 20 (Figure 2) for illuminating a liquid crystal display (LCD) panel, the illuminating device 20 comprising:

- a light source L; an optical conductor T including a light-incident surface 4 receiving light emitted by the light source L; a light output surface – the upper surface opposite to substantially incident surface 4- allowing the light output; and a projection 6 projecting from the incident surface 4 of the optical conductor T (Figure 2, English translated abstract);

Note: Fukuoka (Japanese Patent No. JP 8320486) is not the primary reference applied for rejection of Claim 1.

Therefore, Torihara et al. (Japanese Application Pub. 2000-235805 A) in view of Fukuoka (Japanese Patent No. JP 8320486) meets limitations of each of the amended claim 1.

Argument: Regarding Claim 1, the light transmitting plate disclosed by Torihara et al. (Japanese Application Pub. 2000-235805 A) and modified by the teaching of of Fukuoka (Japanese Patent No. JP 8320486) would not meet the invention of Claim 1.

Response: Torihara does not specifically disclose an optical conductor having its projection located outside the periphery of the effective display area of the light crystal display (LCD) panel. On the other hand, Fukuoka discloses an illumination system 10 for illuminating an LCD 3 (Figure 1, English translated abstract) including an optical conductor 4a having its projection b located outside the periphery of the effective display area of the LCD panel 3 (Figure 1, English translated abstract) .

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the illumination device of Torihara by providing and positioning the optical conductor with a projection as taught by Fukuoka for the benefits of increase in uniform brightness due to comparatively reduced optical leakage.

"The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference.... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). See also In re Sneed, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983) ("[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review."); and In re Nievelt, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973) ("Combining the teachings of references does not involve an ability to combine their specific structures.").

However, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP § 2143.01.

Applying the teaching Fukuoka (Japanese Patent No. JP 8320486) to modify the the illumination device of Torihara does not change principles pf references of the primary reference, which in this case is Torihara.

Therefore, Torihara et al. (Japanese Application Pub: 2000-235805 A) in view of Fukuoka (Japanese Patent No. JP 8320486) meets limitations of each of the amended claim 1.